UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/24
13 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (c) CO-ORDINATING THE ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Co-operation with representatives of United Nations human rights bodies

Note by the Secretary-General

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INTRODUCTION

1. At its forty-sixth session the Commission on Human Rights adopted resolution 1990/76 entitled "Co-operation with representatives of United Nations human rights bodies". In this resolution the Commission recalled that private individuals and groups should feel free to avail themselves, without fear of intimidation or reprisal, of the various procedures established by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by various human rights instruments, for drawing attention to alleged violations of human rights. It expressed concern about cases reported to United Nations organs by private individuals and groups who, before or after co-operating with representatives of United Nations human rights bodies or treaty bodies, have been subjected to harassment, ill-treatment and detention or imprisonment or other forms of hardship, as well as about reports from relatives or those dear to such individuals who have themselves been subjected to similar treatment. It also expressed concern about reports indicating that relatives of disappeared persons, when seeking to clarify the fate or whereabouts of the victims through the appropriate channels, have frequently been subjected to reprisals, as have the organizations to which they belong.

2. By the same resolution, the Commission called upon all Governements receiving representatives of United Nations human rights bodies to provide effective advance information to them, to allow unhampered contacts between private individuals and such representatives and to remove all legal and practical obstacles which would unduly prevent or discourage such contacts from taking place. It condemned all acts of intimidation or reprisal, in whatever form, against private individuals and groups who seek to co-operate with the United Nations and representatives of its human rights bodies, or who have sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms. It further requested all representatives of United Nations human rights bodies reporting to the Commission or the Sub-Commission on violations of human rights, in the exercise of their respective mandates, to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisals and to devote special attention to this question in their respective reports to the Commission or the Sub-Commission. The Commission also requested the Secretary-General to submit to the Commission at its forty-seventh session any available information, from all appropriate sources, on reprisals against witnesses or victims of human rights violations.

3. The present note recapitulates in chapter I some relevant decisions and measures taken by United Nations organs prior to resolution 1990/76, with a view to protecting witnesses, complainants or persons seeking to avail themselves of the United Nations human rights procedures and mechanisms. Chapter II contains information on relevant procedures of the International Labour Organisation (ILO) and regional human rights instruments and Chapter III describes information and considerations of a general nature received in relation to resolution 1990/76. In the annex a succinct summary is given of all those specific cases which have been processed by working groups or special rapporteurs of the Commission on Human Rights since the adoption of the resolution as well as the replies received from Governments thereto.

I. RELEVANT DECISIONS AND MEASURES TAKEN BY UNITED NATIONS POLICY-MAKING ORGANS PRIOR TO RESOLUTION 1990/76, WITH A VIEW TO PROTECTING WITNESSES, COMPLAINANTS OR PERSONS TRYING TO AVAIL THEMSELVES OF THE UNITED NATIONS HUMAN RIGHTS PROCEDURES

4. United Nations organs dealing with human rights have long been concerned with reports that victims of human rights violations, their relatives and friends, witnesses to such violations or human rights activists or organizations in general have been prevented from reporting violations to the competent bodies, whether domestic or international, or have suffered reprisals in connection with their reporting or their attempts to avail themselves of national or international mechanisms. It should further be noted that the growing awareness of the rights set forth in the Universal Declaration of Human Rights, the Covenants on Economic, Social and Cultural Rights as well as on Civil and Political Rights and other relevant international human rights instruments, of the duty to safeguard those rights and of the responsibilities derived therefrom incumbent on individuals and social groups has resulted in an ever-increasing number of individuals and organizations, associations and groups endeavouring to actively contribute to the protection of the rights embodied therein.

5. United Nations organs have constantly reaffirmed the right of individuals and organizations to report on human rights violations they have witnessed or that affect them or affect groups of persons whom they represent. This concern has also been reflected in various studies and resolutions relating to two specific questions, i.e. measures to protect witnesses, private individuals or groups seeking to co-operate with the United Nations or its ad hoc bodies by providing information on human rights violations; and the formulation of a body of principles on the right and duty of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The following paragraphs refer to a number of relevant decisions and measures taken in this regard as well as to the practice established by extra-conventional public procedures and mechanisms set up by the General Assembly, the Economic and Social Council and the Commission on Human Rights.

A. The right and duty of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

6. Since 1977, the General Assembly has highlighted the role of national institutions for the promotion and protection of human rights, has drawn to the attention of the international community "the constructive role that national non-governmental organizations can play in the work of such national institutions" (resolution 41/129 of 4 December 1986) and has "encouraged initiatives on the part of Governments, regional, international, intergovernmental organizations and non-governmental organizations, intended to strengthen existing national institutions and to establish such institutions where they do not exist" (resolution 44/164 of 8 December 1989).

7. Similarly, the Commission on Human Rights has, since 1980, called on all Governments to "... encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights ..." (resolution 23 (XXXVI) of 29 February 1980).

The Commission also stressed the right and responsibility of individuals and organs of society to strive for the promotion and observance of the rights recognized in the Universal Declaration of Human Rights, the International Covenants on Economic, Social and Cultural as well as on Civil and Political Rights and deplored, whenever it occurred, all harsh and punitive treatment accorded to individuals, groups or organs of society as a result of their efforts to enjoy civil and political rights (resolution 28 (XXXVII) of 11 March 1981).

8. At the request of the Commission, the Secretary-General presented to the Sub-Commission on Prevention of Discrimination and Potection of Minorities, at its thirty-fifth session in 1982, elements for a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. The Sub-Commission requested Mrs. Erika A. Daes, as Special Rapporteur, to prepare such draft principles. The Special Rapporteur submitted in 1985 a report on a draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms accompanied by a report (document E/CN.4/Sub.2/1985/30 and Add.1) in which she particularly emphasized the following:

> "Individuals and groups bringing human rights violations to the attention of the society are acting within the framework of their rights, duties and responsibilities." (para. 175)
>
> "The recognition of criticism should be considered as a positive force for progress in the human rights area and the value of establishing channels, through which criticism and complaint can be constructively received, should be recognized. Governments should not only permit such constructive criticism, but should actively encourage it through the establishment of agencies such as ombudsmen and human rights commissions." (para. 143)
>
> "It is the responsibility of every individual, group of persons and organs of society to strive for the observance of the aims and principles of the Charter, the rules of international law, in particular those establishing international human rights standards, and the provisions of national law which do not conflict with universally recognized human rights." (para. 144)

9. The draft body of principles submitted by the Special Rapporteur (document E/CN.4/Sub.2/1985/30) contained, inter alia, the following proposal:

> "Principle 45
>
> Individuals, groups and organs of society shall be protected against reprisals within their countries by international organs to which they would have the right to appeal. Individuals, groups and organs of society shall expect international assistance in implementation of international decisions on their behalf."

10. The Commission on Human Rights, by decision 1985/112 of 14 March 1985, established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote

and protect universally recognized human rights and fundamental freedom. The Working Group has met every year since 1986. At its forty-sixth session, the Commission, by resolution 1990/47, decided to continue at its forty-seventh session its work on the elaboration of the draft declaration.

11. The text provisionally adopted by the Working Group at first reading contains principles such as the right to protection and recourse to effective remedies in the event of human rights violations; the right to draw public attention to violations of human rights and to complain about the policies and actions of individual officials and governmental bodies; the right to complain and to have that complaint promptly reviewed in a public hearing by an independent, impartial and competent judicial or other authority established by law; the right to offer and provide as well as seek and accept assistance, including legal assistance, in defending human rights and fundamental freedoms and the right to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights. The text also establishes the duty of the State to ensure the protection by the competent authorities of everyone individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the declaration.

B. Relevant decisions and measures taken by United Nations organs in the framework of procedures dealing with alleged violations of human rights

12. In 1959, by resolution 728 F (XXVIII), the Economic and Social Council addressed the question of confidentiality as regards the authors of communications concerning human rights violations. In article 2 (a) and (b) of the resolution, the Secretary-General was requested:

> "(a) To compile and distribute to members of the Commission on Human Rights before each session a non-confidential list containing a brief indication of the substance of each communication, however addressed, which deals with the principles involved in the promotion of universal respect for, and observance of, human rights and to divulge the identity of the authors of such communications unless they indicate that they wish their names to remain confidential;
>
> "(b) To compile before each session of the Commission a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of communications except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged;".

13. The principle of confidentiality, if requested by the sources of the information, has also been adhered to by practically all extra-conventional public procedures (the so-called ad hoc or special procedures). Although many of the ad hoc bodies established by the General Assembly, the Economic and Social Council and the Commission on Human Rights have not set down rules

of procedure, it is common practice for the hearing of witnesses to take place in private and for the identity of witnesses or complainants to be withheld, if they so request. This has been the case with the Ad Hoc Working Group of Experts on southern Africa, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, the Ad Hoc Working Group on the Situation of Human Rights in Chile, the Working Group on Enforced or Involuntary Disappearances and the special rapporteurs, representatives and experts mandated to examine and report on human rights violations in specific countries or on thematic issues.

14. This practice has in fact repeatedly been recognized by the Commission on Human Rights and the Economic and Social Council. Already in 1968, following a recommendation by the International Conference on Human Rights in Tehran (resolution X of 12 May 1968) draft model rules of procedure for ad hoc bodies of the United Nations dealing with violations of human rights were elaborated by a working group of the Commission and subsequently taken note of by the Commission and the Economic and Social Council (decision 1870 (LVI) of 17 May 1974). Rule 22, relating to the receipt of information from witnesses, includes the following subparagraph:

> "(e) The ad hoc body may agree to hear a witness in a closed meeting and/or not to disclose his identity if the witness so requests".

15. Subsequently the Ad Hoc Working Group on the Situation of Human Rights in Chile, established by Commission on Human Rights resolution 8 (XXXV) of 27 February 1975, approved one rule of procedure which stated: "Written evidence may, at the request of the person submitting it, be presented in such a manner as not to disclose his identity and be made available only to the members of the Ad Hoc Working Group and the Secretariat" (rule 16 (b)). Other rules of procedure stipulated that "Statements of witnesses shall be heard in private meetings" and "The Ad Hoc Working Group may agree not to disclose the identity of a witness at the request of the witness or on its own initiative" (rule 15 (d) and (e)) [see A/10285, annex II]. The Ad Hoc Working Group endorsed, as a matter of policy, the need to protect witnesses even if in order to do so it had to refrain from communicating certain information to the Government. Thus, it decided not to divulge the names of Chilean witnesses either in its report or elsewhere [see A/10285, para. 35].

16. On the occasion of its visit to Chile in 1978, the Ad Hoc Working Group on the Situation of Human Rights in Chile agreed with the Chilean Government on a number of points intended to regulate the conditions in which the visit should take place. One of those points was:

> "The representatives of the Government of Chile assured the Group that no person who had been in contact with the Group would for that reason be subjected to coercion, sanctions, punishment or judicial proceedings. The Group attaches particular importance to these guarantees" [see document A/33/331, annex VII, memorandum dated 26 May 1978].

17. The protection of relatives of missing persons, witnesses and persons reporting disappearances has also been a matter of concern to the Working Group on Enforced or Involuntary Disappearances ever since it began its

activities. In resolution 10 (XXXVII) of 26 February 1981 establishing that Working Group, the Commission on Human Rights requested it "to bear in mind the obligation to discharge its mandate with discretion, so as inter alia to protect persons providing information or to limit the dissemination of information provided by Governments". The Commission also decided to urge "the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected" (Commission on Human Rights resolutions 1987/27 of 10 March 1987, 1988/34 of 8 March 1988, 1989/27 of 6 March 1989 and 1990/30 of 23 March 1990). In accordance with these resolutions, the Working Group on Enforced or Involuntary Disappearances has drawn the attention of concerned Governments to reports it received relating to persecution, threats or acts of intimidation against relatives of disappeared persons, their organizations, witnesses or other persons who had supplied information to the Group. In doing so, it requested those Governments to investigate the reported incidents, to inform it of the results of their investigations, and to take all necessary measures to protect the life and security of the persons allegedly persecuted or threatened (see 1989/18, paras. 113, 135 and 228, and 1990/13, paras. 79, 111, 127, 150, 239 and 258).

18. Special rapporteurs and groups which have carried out in situ visits to various countries in the context of their respective mandates have regularly taken measures intended to protect witnesses and other private persons and members of human rights organizations with whom they were in contact against possible reprisals. The need for guaranteeing their security was generally drawn to the attention of the respective Governments and assurances in this regard were requested. Specific references thereto may be found, inter alia, in the report of the Special Rapporteur on Summary or Arbitrary Executions on his visit to Suriname in August 1987 (E/CN.4/1988/22, para. 10 of the annex), the report of the Group which visited Cuba in September 1988, in accordance with Commission on Human Rights decision 1988/106 (E/CN.4/1989/46, annexes V and X) or the report of the Special Representative on the human rights situation in the Islamic Republic of Iran to the forty-sixth session of the Commission on Human Rights (E/CN.4/1990/24, para. 12 (3)).

19. These representatives of the Commission have repeatedly taken action on cases of intimidation and reprisals against individuals and organizations who tried to avail themselves of national and international procedures for the protection of human rights. Frequent mention of such situations can be found in the reports submitted by rapporteurs and working groups to the Commission on Human Rights and the General Assembly in recent years and particular reference is made to the most recent reports of the Special Rapporteur on summary or arbitrary executions, the Special Rapporteur on torture, the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/36, E/CN.4/1991/17, E/CN.4/1991/35 and E/CN.4/1991/20).

20. Special procedures and mechanisms of the Commission to which resolution 1990/76 is addressed have generally dealt with cases of alleged intimidation or reprisals under their established methods of work, including the urgent action procedure applied by the Working Group on Enforced or Involuntary Disappearances and Special Rapporteurs on summary or arbitrary executions and torture. The Working Group on Enforced or Involuntary Disappearances has in

fact adapted its regular urgent action procedure for such cases by formulating a specific provision in its methods of work enabling it to intervene promptly whenever seized of incidents of that nature. The Group stated in paragraph 26 of its latest report (E/CN.4/1991/20) the following:

> "In compliance with the request the Commission on Human Rights made in its resolution 1990/76, the Working Group, at its thirtieth session, decided to transmit to Governments concerned, by means of a cable from the Chairman to the respective Ministers of Foreign Affairs, any reports of intimidation, persecution or reprisals affecting such private individuals or groups as mentioned in the resolution as requiring prompt intervention, with the appeal that Governments take immediate steps to protect all fundamental rights of the person affected. The Working Group authorized its Chairman to decide, between sessions, which of the cases received contained the elements required by the text of the resolution. The Group considered that cases affecting relatives of missing persons, witnesses to disappearances and their families, members of relatives organizations as well as other non-governmental organizations and its members persecuted or threatened as a reprisal for their activities on behalf of victims of disappearance or for their efforts to eliminate such practice should be given priority attention by the Working Group, in accordance with the terms of the resolution."

II. RELEVANT PROCEDURES ESTABLISHED BY THE INTERNATIONAL LABOUR ORGANISATION (ILO) AND IN REGIONAL HUMAN RIGHTS INSTRUMENTS

21. The International Labour Organisation (ILO) has also taken steps to protect persons providing testimony before the Commissions of Inquiry appointed under article 26 of the Constitution of the ILO. As a rule, the Commissions of Inquiry have requested the Governments concerned to ensure that no obstacles would prevent the attendance before them of persons whom it was proposed to present as witnesses or whom the Commissions wished to hear. They also asked the Governments concerned for an assurance that all persons appearing before them as witnesses would enjoy full protection against any sanction or prejudice on account of their attendance or evidence before the Commissions (see document GB 196/4/10 submitted to the 196th session of the Governing Body, para 20, ILO Official Bulletin, Special Supplement, vol. LXVI, 1983, para 23, vol. LXVII, 1984, para 69 and vol. LXX, 1987, para 31).

22. Regional instruments also provide for the protection of persons participating in proceedings of regional organs. The European Agreement relating to persons participating in proceedings of the European Commission and Court of Human Rights establishes in its Articles 2 to 4 that such persons, their lawyers and representatives as well as witnesses, experts and other persons called upon by the Commission or the Court shall have immunity from legal process in respect of oral or written statements made, or documents or other evidence submitted by them before or to the Commission or the Court. It also establishes that the States shall respect the right of such persons to freely correspond with the Commission and the Court and undertake not to hinder the free movement and travel for the purpose of attending and returning from proceedings before the Commission or the Court.

23. The Regulations of the Inter-American Commission on Human Rights provide that any Special Commission carrying out any on-site observation is to have the power to interview, freely and in private, persons, groups, entities or institutions and the obligation is set forth for Governments to grant the pertinent guarantees to all those who give information, testimony or evidence of any kind before the Special Commission. In 1988 the Inter-American Court on Human Rights, in a case involving four disappearances, adopted a resolution concerning the assassination of two witnesses to the Court urging the Government concerned to take the necessary measures without delay to prevent new assassination attempts against those who had testified before the Court or had been summoned to do so and to investigate the crimes committed against witnesses and punish those responsible.

III. INFORMATION AND CONSIDERATIONS OF A GENERAL NATURE RECEIVED IN RELATION TO RESOLUTION 1990/76

24. Since the adoption of Commission resolution 1990/76 a great variety of situations have been reported and in many of the reported cases it was alleged that human rights defenders, victims of violations and witnesses, their relatives and friends or other private individuals had been subjected to harassment, ill-treatment, detention or imprisonment or other forms of hardship or reprisals because of their activities for the protection of human rights and their co-operation with the United Nations and representatives of its human rights bodies. A considerable number of the reports received refer to particularly serious incidents of extra-judicial killings or the enforced or involuntary disappearance of persons. Others mention torture or ill-treatment, arbitrary arrest or detention, death threats, unfounded accussations, raids, search and destruction of homes and offices and surveillance of the activities of individuals and organizations by members of the police or the security forces. Situations have also been described in which threatened persons are forced to leave their homes, their communities and even their countries, in order to preserve their lives and physical integrity.

25. The information was submitted by one Government, non-governmental organizations and individuals. Some of the reports refer to individual cases while others provide a general review of the problem of reprisals in connection with a particular country or region or with a certain group of society or profession, such as lawyers, members of the judiciary or the clergy, trade union and community leaders or journalists who were said to have been the target of reprisal because of the articulate stance taken for the protection of human rights or their involvement in humanitarian activities. In this connection particular concern was expressed about the negative long-term effects of systematic persecution of lawyers and members of the judiciary and the concomitant paralysis of institutions in charge of the protection of human rights.

26. In order to prevent victims of human rights violations, their relatives and friends as well as their legal counsel from availing themselves of internal remedies and international procedures, acts of persecution were said to have been committed also against persons who in one way or another had a close relationship to them, including such innocent victims as children. In a number of reports it was pointed out that the acts of intimidation or reprisal were not only targeted at persons directly involved in a particular

incident of human rights violation but were often intended to create a general climate of fear aimed at bringing about a deterrent effect on all individuals and groups who pursue human rights or humanitarian activities or assist others in resorting to legal remedies both at the national and international levels.

27. It was also reported that in a number of countries where acts of intimidation and reprisal were said to occur on a large scale, the action in favour of human rights or humanitarian action to alleviate the suffering of the victims or their relatives is seen as a form of involvement in subversion or as an impeachment of the anti-subversive activities of the military or security forces. According to these reports human rights defenders or persons who try to avail themselves of any kind of legal remedies are consequently seen as enemies whose activities should be stopped, frequently in a manner and with methods comparable to those used in the fight against terrorist or subversive groups.

28. Many reports received establish a clear link between particular human rights activities carried out by individuals, groups or organizations and their co-operation with United Nations human rights bodies on the one hand and the act of harassment or reprisal inflicted upon that group or individual on the other. In certain situations, however, it is not so clear whether the alleged persecution is a direct or indirect consequence thereto or whether it is related to other activities which may be punishable by law. In some cases it was explained that the latter accusations may have been artificial in order to exclude the possibility of alleging reprisals. There are in fact few cases in which human rights activities were said to have been invoked at the time of the arrest, but the circumstances surrounding the cases in question made the authors of the reports believe that the detention was in fact a reprisal for such activities. In yet other situations considerable time has elapsed between the steps taken by a particular person or groups and the reported act of reprisal. Other difficulties have been experienced in unequivocally establishing the responsibility for the alleged acts of intimidation or reprisal. In a number of reports paramilitary groups, so-called death squads or heavily armed persons in civilian clothes are mentioned as perpetrators. In some cases circumstantial evidence is provided that these groups are linked in one way or another to the army or other official forces; in other cases this has been presumed in the light of the contextual characteristics of the case. The degree of impunity with which such groups are tolerated has been considered as a major indicium leading to the assertion that they are acting in connivance or with the acquiescence of, if not under direct instructions from, official forces.

29. A note verbale dated 10 December 1990 from the Permanent Mission of the United States of America to the United Nations Office at Geneva included reference to a number of persons who, having presented written or oral testimony before the mission that visited Cuba in pursuance of Commission on Human Rights decision 1988/106, had been "detained and arrested" since the Group visited Cuba in September 1988 as well as of others who "were detained outside the Working Group's hotel in Havana". The text of the note verbale is available for consultation with the Secretariat.

30. The International League for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council (category II), reported with reference to resolution 1990/76 that it had available documents alleging various forms of intimidation and harassment by Chinese officials directed against several categories of persons living in the United States of America or Japan who were seeking to co-operate with the League in its efforts to use the procedures established under United Nations auspices for the protection of human rights. In particular, the International League included in its submission under Commission resolution 1990/76 two affidavits by Tania Chen, a member of the League's Board, concerning, inter alia, incidents affecting witnesses accompanying her to meetings of the forty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as incidents involving Chinese hunger strikers demonstrating in June 1989 in front of the United Nations Headquarters.

31. The International Commission of Jurists, a non-governmental organization in consultative status with the Economic and Social Council (category II), made available a report of its Centre for the Independence of Judges and Lawyers containing alleged incidents of harassment and persecution of judges, attorneys and other members of the legal profession, some of whom have co-operated or attempted to co-operate with the United Nations and representatives of its human rights bodies.

32. The material submitted by the two aforementioned non-governmental organizations is also available for consultation with the Secretariat.

33. The annex to the present note contains a succinct summary of cases which special rapporteurs and working groups have processed in 1990 under their respective mandates, having particular regard to Commission resolution 1990/76. Any replies received from Governments on those incidents and cases have also been reproduced in summary form. For fuller details reference has been made to the respective paragraphs in the reports of these bodies.

Annex

ALLEGATIONS OF INTIMIDATION AND REPRISAL RECEIVED AND PROCESSED BY SPECIAL RAPPORTEURS AND WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS

A. Working Group on Enforced or Involuntary Disappearances

Colombia (see E/CN.4/1991/20, paras. 101 and 110)

1. Nodelia Parra, Clotilde Caballero, Mercedes Ruiz Higuera, Aura Stella Chapol González and Fabiola Montaño, all relatives of disappeared persons and members of the Association of Relatives of Disappeared Detainess (ASFADDES), allegedly received in 1990 anonymous death threats by phone and in person by individuals reported to belong to the security services. In the case of Mrs. Aura Stella Chapol González, shots were reportedly fired at the door and windows of her home by unknown men who left on motorcycles. The harassment and intimidation reportedly caused two of the above-mentioned persons to move from their place of residence.

2. The Government of Colombia replied that the case of Aura Stella Chapol González was being investigated and, in the case of Clotilde Caballero Delgado, the Commission of the Office of the Attorney of Santander had visited her relatives.

3. Alirio de Jesús Pedraza Becerra, human rights attorney and member of the Committee in Solidarity with Political Prisoners as well as legal adviser to relatives of peasants killed in Llano Caliente, Santander, to trade-union members and to relatives of disappeared persons, was abducted on 4 July 1990 in Bogotá by men in civilian clothes who identified themselves as members of the security forces to police agents who were present during the abduction;

El Salvador (see E/CN.4/1991/20, para. 135)

4. On 19 April 1989, six members of the Christian Committee for the Displaced in El Salvador were allegedly detained for four months and ill-treated. The offices of that organization were reportedly raided on 13 November 1990 by military forces, who destroyed working material and took away food and medicine.

Guatemala (see E/CN.4/1991/20, para. 157)

5. Rosa Pu Gómez, the wife of a disappeared person, Luis Miguel Solis Pajarito, and her mother reportedly were followed by unknown men and received death threats, while unidentified men tried to raid the latter's home in May 1990. Another member of the Guatemala Council for the Displaced (CONDEG) of which Mr. Solis Pajarito was a leader, was reported to have been the victim of an abduction attempt. Other CONDEG members received death threats;

6. Nineth de García, leader of the Mutual Support Group (GAM), an organization of relatives of disappeared persons as well as members of the Association of University Students (AEU) and of the National Association of High School Teachers (ANEEM), all of which have allegedly provided information on disappearances, were threatened with death in July 1990 by persons alleged to belong to paramilitary groups. Other members of GAM have

been killed in previous years, allegedly by groups linked to government forces, but the individuals responsible for their death have never been identified.

7. Sebastián Velázques Mejía, Sebastián Tuzcoc, Diego Velázquez Ucham and six other members of GAM were threatened with death by military commissioners and members of the civil defence in October 1990, reportedly in relation to a trial initiated by a judge on the wounding of 20 members of GAM by military commissioners and civil defence patrols in March 1990 during a demonstration by relatives of missing persons.

8. Edwin Rovisio Cruz Sosa, brother of Arnoldo Juventino Cruz Sosa, reportedly received death threats throughout the year from civil defence patrols and members of the army based in Zacapa, military zone 705, allegedly for his active role in pressing for an investigation of his brother's disappearance in February 1990.

Honduras (see E/CN.4/1991/20, para. 180)

9. Reynaldo Zúñiga Cruz, president of a regional chapter of the Committee for the Defence of Human Rights in Honduras (CODEH), which regularly reports to the Working Group on disappearances, was killed in January 1990, reportedly by individuals linked to security forces. On the day of his murder, the victim had reportedly expressed concern that he was under police surveillance. Other members of CODEH were killed in the past, and a former police sergeant linked to a military intelligence unit alleged that members of Batallion 3-16 had carried out the killings. Among those, Miguel Angel Pavón, a witness before the Inter-American Court in a disappearance case against the Government of Honduras, was shot dead in 1988.

10. Ramón Custodio López, Oscar Aníbal Puerto, Juan Almendares Bonilla, Héctor Hernández Fuente and other members of CODEH reportedly received death threats throughout 1990.

Mexico (see E/CN.4/1991/20, para. 245)

11. In April 1990 more than 18 social, political and human rights organizations were repeatedly raided and their members detained after a bomb was placed in the entrance of a newspaper office. In particular, the President and several members of the Independent National Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles (CNI), an organization which has regularly reported on disappearances to the Group, were detained by the police. Authorities cited the bomb explosion as the reason for raiding the organizations, while the organizations alleged that they were persecuted for their human rights activities.

Peru (see E/CN.4/1991/20, para. 302)

12. Guadalupe Ccallocunto Olano, the wife of a person who disapperead in Peru in 1983 and an active member of the Association of Relatives of Detainees and Disappeared Persons in the Emergency Zone (ANFASEP) and of the Ayacucho branch of Peace and Justice Service (SERPAJ), and who, inter alia, had given testimony for the Working Group on Enforced or Involuntary Disappearances when two of its members visited Peru in 1985 and 1986, was

said to have been arrested at her home in Ayacucho by military personnel, in the presence of her mother and children, on 10 June 1990 at 2.30 a.m. Her detention has never been acknowledged. She had previously been detained in 1987 and had reportedly been harassed by the army over the months prior to her arrest and disappearance.

13. Abraham Ramos, a trade-union leader and brother of Samuel Reynaldo Ramos (abducted on 7 May 1990 and currently missing) reportedly was threatened and followed by vehicles believed to belong to the army after attempts to investigate his brother's disappearance. The Government informed the Working Group that the alleged threats to Abraham Ramos were being investigated.

14. Angel Escobar Jurado, lawyer and the head of the Human Rights Commission of Huancavelica, which has submitted reports on disappearances, was arrested on 27 February 1990 and led through the central streets of Huancavelica by five men dressed in civilian clothes who, according to witnesses, had been seen in the company of uniformed army personnel. His detention was never acknowledged and he is presently missing.

15. Javier Diez Canseco, Senator for the Partido Unificado Mariateguista and member of the parliamentary commission in charge of the investigations of mass killings and other crimes in which military forces were allegedly involved and who repeatedly submitted reports to the Working Group, was threatened with death several times. On 16 November 1990 his house was damaged by an explosive device.

16. In 1990 several human rights organizations reporting regularly to the Working Group and their members were the target of harassment, threats and bombing of their offices, in particular, the Peruvian branch of Amnesty International, the Andean Commission of Jurists (CAJ), the Human Rights Association (APRODEH), the National Co-ordination for Human Rights in Peru, the Committee for Human Rights in Huancavelica and the Centre of Study and Action for Peace (CEAPAL).

Philippines (see E/CN.4/1991/20, para. 326)

17. Lidia P. Sicat, trade-union organizer and staff member of Workers Alliance of Region III (WAR-III-KMU), was reportedly abducted by members of the Narcotics Command (NAROM) from Camp Olivos on 26 August 1990 and held in a safehouse until she was able to escape from her military captors. She was scheduled to provide testimony to the members of the Working Group when they visited the Philippines in August 1990 but did not leave her place of hiding for fear of the military. She also expressed fear that her family and relatives might be harmed by the military. The Government of the Philippines informed the Working Group that this case had been referred to the regional office of the governmental Commission on Human Rights for investigation.

Sri Lanka (see E/CN.4/1991/20, paras. 339-340 and 362)

18. On 11 September 1990 a member of the Parliament of Sri Lanka, Mr. Makinda Rajadakje, was prevented from providing the Working Group with documentation including forms furnished by the Working Group which had been completed by relatives or friends of over 500 persons who had been reported missing in Sri Lanka. This documentation was allegedly confiscated by the

police as the member of Parliament was leaving Colombo for Geneva to attend a meeting of the Working Group. In a cable to the Permanent Mission of Sri Lanka the Group expressed its deep concern over the incident and asked the Government to forward the relevant documentation and to assure the Working Group that the incident would not lead to any adverse consequences for the persons who had completed the forms provided by the Working Group.

19. The Government of Sri Lanka replied that it was not the policy of the Government to hinder in any way the free flow of information on any matter and that, with respect to the incident involving a member of Parliament, the position had been clarified and the documentation had been returned to the member of Parliament after scrutiny.

20. Seven human rights lawyers were killed in 1989-1990, including two who had filed hundreds of habeas corpus petitions with the courts on behalf of disappeared prisoners. Another 20 lawyers reportedly received death threats to force them to stop their work regarding cases of killings, torture and disappearances. The Working Group was informed that as a consequence, very few habeas corpus petitions have been filed since those incidents, as lawyers feared to take up such cases and many relatives were frightened to pursue their inquiries.

B. Special Rapporteur on summary or arbitrary executions (see E/CN.4/1991/36)

Brazil

21. Fathers Roberto Vallecourt, Paulo Joanil and Martin Murray were said to be under threat of death for their efforts to bring to trial those responsible for assassinations carried out in the context of land disputes, allegedly by groups under the orders of local landowners who enjoyed impunity. The brother of one of the assassination victims, Raimundo Barros de Oliveira, was also threatened for the same reasons (E/CN.4/1991/36, paras. 29, 36).

22. A reply was received from the Government of Brazil in regard to this case stating that all measures to ensure the protection of the life and physical integrity of these two individuals would be adopted immediately (see E/CN.4/1991/36, para. 50).

23. Manoel Pereira da Silva, Director of the Rubbertappers Smallholders and Rural Workers Union (SINPASA) of Rio Bronco and other rubbertapper leaders in Acre state including Osmarino Amancio Rodrigues, José Pereira da Silva, Abrao dos Santos Cardoso and Amarildo Simedou, were alleged to have continuously received death threats as the trial approached of two men accused of murdering rubbertapper leader Chico Mendes on 22 December 1988. It was further reported that state authorities had refused to pay daily costs of police guards assigned to protect Osmarino A. Rodrigues (see E/CN.4/1990/22, para. 37 and E/CN.4/1991/36, paras. 42-43).

24. In regard to this case a response was received from the Government of Brazil stating that all measures would be taken to protect the lives and physical integrity of the rubbertappers in Acre state alleged to be under threat of death and that the Government had furthermore requested Acre state

authorities to provide information on the particular measures taken. In regard to Osmarino Amacio Rodrigues it was stated that the authorities of Brasilia had requested Mr. Rodrigues to hold talks on measures to protect his life, but that he had left the region without informing the authorities. Police were instructed to look for him with a view to reaching an understanding regarding his security (see E/CN.4/1991/36, paras. 55, 61-63).

25. Wolmer do Nascimento, Rio de Janeiro co-ordinator of the National Street Children's Movement, and his two children were alleged to have been threatened with death by an unidentified man carrying a gun who warned him to stop his activities on behalf of street children and to stop denouncing death squad killings of minors in Rio de Janeiro (see E/CN.4/1991/36, para. 44).

26. The Government of Brazil reported that the competent authorities of Rio de Janeiro state had been requested to provide protection for Mr. Nascimiento and his family. In addition, efforts were being undertaken to better integrate and co-ordinate activities of official governmental bodies and non-governmental entities to adopt concrete measures to combat violence against street children (see E/CN.4/1991/36, para. 53).

Colombia

27. María Elena Díaz Pérez, Third Public Order Judge, was killed together with two of her body guards on 28 July 1989 while conducting inquiries into the massacre of banana plantation workers in Urabá and Córdoba during which evidence had reportedly been obtained of the involvement of military officers and death squads in the massacre. The Government of Colombia replied that Judge Díaz Pérez' death had been caused by an act of terrorism by narcotics dealers and that it disclaimed governmental responsibility for her killing (see E/CN.4/1990/22, para. 126 and E/CN.4/1991/36, para. 125 ff.).

28. The body of Father Tiberio Fernández, aged 40, priest in Trujillo, was found decapitated and bearing signs of torture on 23 April 1990 after he had allegedly received death threats for his activities in support of peasant families of people detained/disappeared by the military. Father Fernández disappeared on 17 April 1990 (see E/CN.4/1991/36, para. 109 (b)).

29. Father Guillermo Correa and journalist Jim Preston, two leaders of the local civic movement and members of the Buenaventura Human Rights Committee, had allegedly appeared on a list of persons to be murdered, and another member of said movement, Segundo Olaya, was murdered on 16 February 1990 (see E/CN.4/1991/36, para. 100).

30. The Government of Colombia stated that according to an investigation carried out by the Administrative Security Department (DAS), no facts existed indicating death threats (see E/CN.4/1991/36, para. 134).

31. Elvia Urán and Martha Luz Saldarriaga Vélez, both lawyers and members of the "Héctor Abad Gómez" Permanent Committee for the Defence of Human Rights (CPDDH) of Medellín, allegedly received anonymous phone calls threatening them with death if they continued their human rights activities. It was also alleged that three successive presidents and one member of the CPDDH had been assassinated between 1987 and 1988 while another had disappeared and 15 had received death threats (see E/CN.4/1991/36, para. 110).

32. Fathers Rafael Martínez Mora and Jesús Martínez Mora and another priest of their parish allegedly received death threats from the security forces for having requested the Attorney General to investigate the possible responsibility of the flying squad in the murder of four civilians and other acts of violence against the local civilian population in a region where several killings had occurred in 1990. Walter Jaramillo González, the doctor who had participated in the search and examination of the bodies of some of the victims, reportedly also received death threats (see E/CN.4/1991/36, para. 118).

El Salvador

33. Ignacio Ellacuria, Rector of the José Siméon Canas Central American University (UCA), Ignacio Martín Baro, Deputy Rector of the UCA, Segundo Montes, Director of the UCA Human Rights Institute, Juan Ramón Moreno, Jesuit priest at UCA, Armando López, former rector of UCA, Joaquín López y López, Jesuit priest at UCA, the university cook and her daughter were killed on 16 November 1989 at the Central American University in San Salvador, allegedly by members of the Atacatl Battalion of the army 1st Infantry Division. The priests were well known for their human rights activities and had been warned publically to stop them. The cook and her daughter were allegedly killed in order to eliminate any potential witnesses. In relation to the ongoing investigation of the Jesuits' case, information from various non-governmental sources indicated a lack of co-operation on the part of the military in the investigation. It was reported that crucial evidence, including the log-book registering all entries and exits from the military school in San Salvador, had been burned at the order of a lieutenant colonel of the military school; the latter was arrested but later freed on bail. Other high-level military officers have allegedly refused to testify. It was also reported that a group known as the "High Command of the Death Squads" (Alto Mando de los Escuadrones de Muerte) allegedly threatened with death, in an April 1990 communiqué, any religious and civilian persons involved in the case if the members of the armed forces implicated were not immediately released (see E/CN.4/1991/36, para. 144).

Guatemala

34. María Mejía, member of the Council of Ethnic Communities "Runujel Junam", (CERJ) (an organization which has regularly provided information regarding human rights violations perpetrated against the indigenous communities of Guatemala to United Nations human rights organs) and mother of a peasant who had refused to continue co-operating with civil defence patrols, was shot dead on 19 March 1990 allegedly by military commissioners. Her husband, Pedro Castro Tojín, was seriously wounded. They had previously reported to the Prosecutor for Human Rights continuing death threats by the military to them and to their indigenous community. The Assistant Human Rights Prosecutor César Alvarez Guadamuz, who was in charge of the investigation of the killing of María Mejía, was accosted by armed men who accused him of being a "human rights communist", in the presence of police personnel accompanying him. Mr. Alvarez Guadamuz is reported to have stated that the armed men belonged to civil defence patrols under the control of the army (see E/CN.4/1991/36, paras. 170-172, 186 (c) (ii)).

35. José María Ixcayat, leader of the Council of Ethnic Communities "Runujel Junam" (CERJ), was killed on 1 May 1990 in Caserío de la Fé by three masked and armed men dressed in civilian clothing alleged to belong to the security forces, reportedly for his outspoken role in opposing forced conscription into the civil patrols (see E/CN.4/1991/36, para. 179 (e)).

36. Myrna Mack Chang, aged 40, director of the Institute for the Advancement of Social Sciences (AVANSCO) and well-known human rights worker who had been co-operating with United Nations human rights bodies, was stabbed to death by individuals believed to belong to a paramilitary group on 11 September 1990 as she left her office at 7.00 p.m. on 12 Street, 12-17 zone 1 in Guatemala City (see E/CN.4/1991/36, para. 186 (c) (i)).

37. Héctor Méndez Dominelli, director of the Centre for Human Rights Research, Studies and Promotion (CIEPRODEH) and several members of his family had allegedly been threatened with death by men in civilian clothes identifying themselves as members of the National Police, who also followed members of the family and searched the house of another relative. The vehicle owned by Dr. Méndez Dominelli and regularly used by CIEPRODEH was stolen (see E/CN.4/1991/36, para. 168).

38. Sixteen members of the National Association of Widows of Guatemala (CONAVIGUA), an organization representing the relatives of victims of summary executions and disappearances, allegedly received death threats from a group of armed men believed to be members of the armed forces (see E/CN.4/1991/36, para. 175).

39. Victoria Tojín Chu was allegedly threatened by a member of the Sacapulas, El Quiché military detachment for reportedly denouncing attacks on civilians by the local civil patrol (see E/CN.4/1991/36, para. 178 (c)).

40. Juan Sales allegedly received death threats from a member of the civil patrol reportedly for denouncing the destruction of several homes by the civil patrol in Cerro Phisphis, La Cumbre, San Ildefonso Ixtahuacán, Huehuetenango (see E/CN.4/1991/36, para. 178 (b)).

41. Gaspar Lux Tiu, Giberto Lux Tiu, Basilio Lux Tiu, Margarita Lux, María Pu and Josefa Tojín Imul, residents of Parraxtut, Sacapulas, El Quiché, were reportedly threatened with death by soldiers for denouncing the killing of a relative by the military (see E/CN.4/1991/36, para. 178 (d)).

42. Milhen Chávez, district director of CIEPRODEH, was reportedly threatened with death and forced into exile for providing the press with information regarding involvement of the G-2 military intelligence service in a human rights case (see E/CN.4/1991/36, para. 178 (g)).

Honduras

43. The Special Rapporteur reported on the assassination of Reynaldo Zúñiga Cruz, president of a regional chapter of the Committee for the Defence of Human Rights in Honduras (CODEH), as reflected in para. 9. The Government replied that an investigation into this case was in progress but that no formal complaint by an interested party had been lodged (see E/CN.4/1991/36, paras. 204 (b), 206 (b)).

44. Ramón de Jesús Ruíz Madariaga, a lawyer and member of CODEH, who was active in the defence of grass-roots organizations, was found shot on 20 July 1990. The police are reported to have stated first that it was a homicide, but then to have announced two weeks later that it might have been a suicide. CODEH reported that Mr. Ruíz Madariaga had previously been warned by a high-ranking military officer to stop working for CODEH (see CN.4/1991/36, para. 205 (b) (iii)).

45. The Special Rapporteur also reported on the death threats received by Oscar Aníbal Puerto, Ramón Custodio, Juan Almendares Bonilla and Héctor Hérnandez, members of CODEH, alleged emanating from clandestine groups operating in collusion with the 3-16 and G-2 (military security) battalions (see para. 10 and E/CN.4/1991/36, para. 197, 200, 204 (a)).

46. The Government of Honduras replied that the courts had conducted investigations but could not find any formal complaints filed by the persons who claimed that they had received death threats (see E/CN.4/1991/36, para. 206).

Iran, Islamic Republic of

47. Kazem Radjavi, who represented the National Council of Resistance before various United Nations bodies and who had submitted information on alleged violations of human rights in the Islamic Republic of Iran to different organs of the Commission on Human Rights, was assassinated on 24 April 1990 in Coppet, Switzerland, by unidentified men driving two cars. Numerous communications were received alleging that the assassination was carried out by agents of the Iranian Government. During preliminary inquiries the judge in charge of the investigation issued on 22 June 1990, a press release stating that the investigation had disclosed that 13 persons were implicated in the assassination and that all of them carried Iranian official passports bearing the description "chargé de mission" (see E/CN.4/1991/36, para. 253 (e)).

48. The Government of Iran replied that the investigation by Swiss authorities had been inconclusive and that the evidence presented regarding the holding of counterfeit passports could not constitute an allegation. The Government further stated that it condemned all acts of terrorism (see E/CN.4/1991/36, paras. 264-265).

Mexico

49. Norma Corona Sapiens, a lawyer and human rights defender, was killed on 21 May 1990 in Culiacán, Sinaloa. She had reportedly received death threats before her assassination. The victim was the president of the Human Rights Commission in Sinaloa and had been instrumental in securing the passing of an anti-torture bill before the Sinaloa State Congress. Shortly before her murder, attorney Corona had stated to the press that she feared reprisals by the Judicial Police in connection with her investigations into the alleged judicial police involvement in the killing of a Mexican lawyer and three Venezuelan students (see E/CN/4/1991/36, para. 310 (a)).

50. The Government of Mexico replied that the case was proceeding and that an ex agent of the Criminal Investigation Department of the state of Sinaloa and three alleged accomplices had been detained and charged with murder and that the former had confessed to the crime (see E/CN.4/1991/36, para. 318 (a)).

51. Jorge G. Castañeda, member of the Governing Council of the Mexican Committee for the Defence and Promotion of Human Rights, allegedly received death threats through his secretary, Mrs. Mariana Rodríguez Villegas, who was accosted by four armed persons and also questioned about the private domicile and movements of her employer. Mr. Castañeda had published reports of police involvement in drug trafficking. Mrs. Rodríguez Villegas was subsequently also threatened with death if she continued to collaborate with the investigations aimed at identifying those responsible for the threats to her employer (see E/CN.4/1991/36, para. 311).

52. Victor Clark Alfaro, who has recently published accounts of the alleged torture of minors, was reported to have received death threats by telephone which were imputed to members of the security services involved in the events he had described in his accounts (see E/CN/4/1991/36, para. 312).

53. The Government of Mexico informed the Special Rapporteur that the above-mentioned cases were being investigated and that the courts had ordered the necessary protection. In the case of Mr. J. Castañeda, his secretary had initially identified, on the basis of a photograph, a former agent of the Criminal Investigation Police as one of her assailants, but had been unable to identify him in a subsequent lineup (see E/CN/4/1991/36, para. 317).

Peru

54. Fernando Colonia Arteaga, legal adviser of the San Cristóbal de Huanamanga University in charge of human rights issues affecting students and other personnel of the university, was killed on 20 July 1990 beteween 1.00 a.m. and 2.00 a.m. in his home. The day before, at a public meeting, he had made a vigorous denunciation of human rights violations, blaming the security forces (see E/CN.4/1991, para. 365(b)). Máximo Rico Bazón, also a lawyer and a member of the San Cristóbal de Huanamanga University who for years had assisted victims of human rights violations, was killed on 19 July 1990 by a group of three men in civilian clothes wearing balaclavas, who entered his home between 1.00 a.m. and 2.00 a.m. Both killings were said to have taken place in an emergency area where the flow of vehicles and pedestrians is carefully monitored by security forces during curfew hours (see E/CN.4/1991, para. 365 (a)).

55. Justiniano Tinco García, Fernandina Palomino Quispe, Antonio Félix García Tipe, Martha Crisóstomo García and ten other witnesses to the "Cayara massacre" allegedly were killed or have disappeared in the following circumstances: The Special Rapporteur reported in 1990 about the killing of 29 residents of the Cayara district by military forces on 14 May 1988. Subsequently, two witnesses to the massacre were allegedly seized by troops and disappeared. Three other witnesses were detained on 19 May 1988 and later found dead. On 29 June 1988 five witnesses to the massacre were detained at their homes by members of the Cayara army base; all five remain disappeared. On 14 December 1988, three witnesses who had discovered the

bodies of the 29 persons killed in Cayara were shot dead at an army roadblock. On 8 September 1989, a 22-year-old nurse who had given widely reported testimony to the special prosecutor investigating the case was shot by uniformed men who broke into her home. Reportedly, Special Prosecutor Carlos Escobar Pineda had concluded that army personnel was responsible and recommended that charges be brought against the Ayacucho military-political commander. It was alleged that he was removed from his post and forced to leave the country after being threatened with death. The charges against the military accused of having been involved in the massacre allegedly were later dropped by a military court on 31 January 1990 (see E/CN.4/1991/36, para. 363).

56. The Special Rapporteur also reported on death threats received by Mr. Javier Diez Canseco, senator of the Unified Mariateguista Party and his family (see para. 15). Senator Diez Canseco is a member of the parliamentary commissions investigating massacres in Chumbivilcas (April 1990) and San Pedro de Cachi (October 1990) and is also active in trying to reinstitute investigations into the alleged responsibility of the Government for the deaths of some 250 detainees in three Lima prisons (see E/CN/4/1991/36, para. 378).

57. Francisco Soberón Garrido, co-ordinator of the Pro-Human Rights Association (APRODEH), on 1 March 1990 was reported to have received death threats on the telephone from callers identifying themselves as members of the "Comando Rodrigo Franco" paramilitary group said to be linked to governmental forces (see E/CN/4/1991/36, para. 364 (g)).

58. José Burneo Labrín, Executive Director of the Centre for the Study of Actions for Peace (CEAPAZ) and well-known member of other organizations for the defence of human rights, allegedly received death threats by phone as well as by men reportedly connected to the military who broke into his home (see E/CN/4/1991/36, para. 364 (f)).

Philippines

59. Father Dionisio Malalay, a priest in Tabima, south of Pagadian City, Zemboanga del Sur, who had been insisting that some abuses committed by the Philippine Constabulary (PC) should be settled in favour of the victims, was shot dead on 6 April 1989 allegedly by a member of the PC (see E/CN.4/1991/36, para. 406).

60. Reverend Vizminda Gran, an ordained minister of the United Church of Christ and a noted human rights advocate, was killed together with her husband on 1 May 1989 by unidentified armed men believed to belong to a paramilitary group. Prior to her death she was said to have been warned several times that she would be killed if she persisted in her human rights activities (see E/CN.4/1990/22 para.337 (b) and E/CN.4/1991/36, para. 401).

61. Oscar Tonog, a lawyer belonging to the Free Legal Assistance Group (FLAG) and vice-president of the Northern Samor chapter of the Integrated Bar of the Philippines, was killed on 21 March 1989 by an unidentified gunmen, under circumstances that allegedly suggested military involvement. Mr. Tonog had been representing a man arrested in Catarman as a suspected member of the New People's Army (NPA), and shortly before his killing, a local radio

announcer reportedly stated that human rights lawyers were instrumental in getting NPA members released. The Philippine Commission on Human Rights (CHR) and the National Bureau of Investigation (NBI) have reportedly been conducting investigations into this case (see E/CN.4/1990/22, para. 337(d) and E/CN.4/1991/36, para. 408).

62. In August 1990 several religious workers in Negros Occidental, in particular Sister Aquila Sy, Father Gerson Balitor, Father Eamen Gil and Father Des Quinn, were reportedly threatened in leaflets signed in the name of a paramilitary group said to be linked to the local military command. The harassment of Sister Aquily Sy was said to be connected with her efforts to locate missing persons and inform United Nations groups about disappearances (see E/CN.4/1991/36, para. 396).

South Africa

63. Ian Mullen and Lambors Marinaki, representatives of the Five Freedom Forum investigating the assassination of David Webster on 7 May 1989, were subjected to attacks and died under unclear circumstances. Mr. Mullen died in a suspicious house fire in June 1989. On 25 May 1990, Lambors Marinaki was reportedly shot dead while in bed (see E.CN.4/1990/22, paras. 359-361 and E/CN.4/1991/36, para. 445 (c)).

Sri Lanka

64. Sanath Karalliyadda, lawyer and member of the Kandy District Citizens Committee (a human rights organization), was abducted on 26 October 1989 by armed men, one of them wearing an army uniform. His body was found the day after. He had been representing in a magisterial inquiry the family of a 16-year-old student who was shot by police during a demonstration in June 1989. Sena Rankothge (Mr. Karalliyadda's clerk) and Edward Kilatung (another lawyer's clerk), along with two witnesses who gave evidence against the Teldeniya police at the inquiry, have reportedly been abducted and killed. Parakrama Ranasinge, senior lawyer in the same magisterial inquiry and active in the inquiry into alleged Teldeniya police involvement in the killing of Attorney Karalliyada, was reported to have received numerous death threats.

65. The Government responded that a magisterial inquiry and other investigations into the death of Sanath Karaliyadda were continuing (see E/CN.4/1991/36, para. 475 (c)).

66. Kanchana Abhayapala, a lawyer who had filed numerous habeas corpus petitions on behalf of disappeared persons, was killed on 28 August 1989 by unidentified gunmen. Reportedly, he had previously been warned by anonymous phone calls that he would be killed if he filed one single habeas corpus writ for a member of the People's Liberation Front (JVP). It is alleged that there has been no independent investigation by the Government despite numerous appeals by the Bar Association of Sri Lanka (BASL) and domestic and international human rights groups. On the day of Attorney Karalliyadda's funeral (see above), several posters were reportedly put up in his home town warning people, especially lawyers, that they faced death if they attended the funeral. The posters were signed by a "vigilante group" in the Kandy area.

67. The Government transmitted a police report indicating that the investigation of the Abhayapala case had been hindered because witnesses to the killings were reluctant to come forward and provide information (see E/CN.4/1991/36, para. 475 (b)).

68. Charitha Lankapura, lawyer known for the hundreds of habeas corpus petitions he filed on behalf of missing persons in southern Sri Lanka, was killed on 7 July 1989 in Slave Island, Colombo, by two men in plain clothes. He had received several anonymous death threats warning him to stop filing habeas corpus writs.

69. The Government informed the Special Rapporteur that further investigations into the case of Attorney Lankapura were continuing by the police (see E/CN.4/1991/36, para. 475 (a)).

70. Richard de Zoysa, a broadcaster and journalist, was allegedly abducted and killed by police personnel in February 1990. Dr. Manorani Saravanamuttu, mother of Richard de Zoysa and Batty Weerakoon, the lawyer representing her at the magisterial inquiry into the killing of her son, received death threats demanding them to stop pursuing the case. According to the information, on 1 June 1990, Dr. Saravanamuttu had informed the court that she had identified one of the abductors of her son as a superintendent of police in Colombo; he was subsequently arrested. Further information was received according to which the two policemen guarding Batty Weerakoon's home, whose names have never been publicized and were known only to police, had received death threats on 22 June 1990 in letters addressed to them by name (see E/CN.4/1991/36, para. 466).

C. Special Rapporteur on torture and other cruel or degrading treatment

Colombia

71. Toribio Bohórquez, the father of a disappeared person, was detained and allegedly tortured on 10 and 11 March 1990 by members of the III Brigade in Cali (see E/CN.4/1991/17, para. 45).

D. Special Representative on the situation of human rights in the Islamic Republic of Iran (see A/45/697 and E/CN.4/1991/35)

72. The Special Representative reported on the assassination of Mr. Kazem Radjavi as reflected in para. 50 above.

73. The family of Achea Ahmadi, who was executed in mid-1988, was allegedly warned by prison authorities of the consequences they would face if news of the execution were made public. In reply to this allegation, the Government stated on 22 January 1991 that "there is no judicial record available on Mrs. Achea Ahmadi".

74. During the Special Representative's first visit several persons who had tried to contact him at the UNDP Office in Tehran were allegedly prevented from doing so by Government agents who took them for questioning to various Komiteh installations. In particular, it was reported that a husband and

wife (names provided to the Special Representative) had been taken in this manner to a Komiteh at Mottahari Avenue in central Tehran where they were questioned and intimidated and asked to sign a written pledge not to contact the Special Representative or any member of his team. According to the report, these persons subsequently received several death threats over the telephone and were repeatedly summoned by the Komiteh. It was also said that a great number of potential complainants (former political prisoners or relatives of executed persons) were also threatened over the telephone, summoned to Komiteh installations or the revolutionary prosecutor's office and ordered under threats of imprisonment or execution to keep away from the Special Representative.

75. Mr. Tavassoli reported that, during the days following his conversation with the Special Representative, he and his family had received threats and abusive telephone calls.

76. During his second visit, the Special Rapporteur held interviews in private homes regarding the prevailing situation with respect to citizens who were not connected with the Government and had not had problems with authorities. These people, as well as other interviewed in the United Nations Development Programme offices, voiced concern about possible retaliation, principally by irregular groups, committee agents and pasdarán, and took precautions to remain anonymous.

E. Special Representative on the situation of human rights in El Salvador (see E/CN.4/1991/34)

77. The Special Representative has also extensively reported about the killing of six Jesuit priests and two members of the household staff subsequent to warnings the priests had received in connection with their human rights activities as outlined in para. 34 above.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/25
12 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 11(a)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Secretary-General

GE. 91-10547

1 The present report is submitted pursuant to paragraph 6 of Economic and Social Council resolution 1990/48 of 25 May 1990, entitled "Enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms", in which the Council requested the Secretary-General to prepare a report on the organizational implications of that resolution for consideration by the Commission on Human Rights at its forty-seventh session. By the same provision, the Council requested the Commission to submit its observations to it at its first regular session of 1991.

2 The General Assembly, by its resolution 44/167 of 15 December 1989, decided to recommend that the Economic and Social Council take the necessary steps, at its first regular session of 1990, to expand the membership of the Commission on Human Rights, on the basis of the principle of equitable geographical distribution, for the further promotion of human rights and fundamental freedoms; called upon the Economic and Social Council to conclude deliberations on this question with urgency; and requested the Commission on Human Rights to examine ways and means of making its work more effective and to submit its recommendations thereon to the Economic and Social Council. In accordance with the foregoing request the Commission on Human Rights adopted decision 1990/115 at its forty-sixth session.

3 By Economic and Social Council resolution 1990/48, the Council decided to increase the membership of the Commission on Human Rights to fifty-three and to allocate the ten additional seats among the regional groups of Africa, Asia and Latin America and the Caribbean on the basis of the principle of equitable geographical distribution; further decided that the enlarged membership of the Commission on Human Rights shall be elected in 1991 and that the following provisions shall take effect at the forty-eighth session of the Commission; authorized the Commission on Human Rights to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agree; and decided that in the week following the session of the Commission on Human Rights, the Bureau shall meet to make suggestions about the organization of work of the Commission, including the effective use of conference time and facilities.

4 By the same resolution the Council recommended that the mandates of the thematic rapporteurs and working groups established or to be established by the Commission should be of three years' duration, unless otherwise decided, requested the Secretary-General to provide the rapporteurs and working groups with all the assistance necessary to carry out their mandates in the best possible conditions, and called on all Governments to co-operate fully with them and to support and promote their activities by ensuring unhampered access to all relevant sources of information.

5 The resolution would imply some increase in the resources normally allocated to the Commission on Human Rights, particularly with regard to the reimbursement of travel, enhanced conference services and the need for additional meeting time. It may be useful at this point to consider the introduction of electronic voting in the Commission, given that in the last three sessions of the Commission approximately two and a half working

days have been spent on roll-call votes alone. It may also be useful to note that, with the allocation of extra meetings, the Commission is already using more time than that allocated to it. It may be recalled that in 1979, the last time the membership of the Commission was enlarged, the meeting time of the Commission was increased from four to six weeks.

6 In paragraph 5 of its resolution 1990/48, the Council decided that, in the week following the session of the Commission on Human Rights, the Bureau should meet to make suggestions about the organization of the work of the Commission, including the effective use of conference time and facilities. This decision in itself will require the allocation of meeting and conference services, as well as resources for Secretariat servicing.

7 In paragraph 3 of its resolution 1990/48, the Economic and Social Council authorized the Commission on Human Rights to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agree.

8 This also would entail the provision of conference facilities for a meeting of the Commission, as well as the appropriate budgetary allocation for the travel of one representative of each of the member delegations of the Commission, and necessary Secretariat resources. The travel expenses of one representative of each of the members will have to be reimbursed. The allocation of adequate resources will be necessary to provide the appropriate level of documentation and staff servicing.

9 The timely submission of documents of the Commission on Human Rights to the Economic and Social Council has consistently presented problems; this is because the meeting of the Economic and Social Council begins shortly after the Commission on Human Rights concludes its session. The implementation of the terms of Council resolution 1990/48 will exacerbate these problems. It would therefore appear to be prudent to give some consideration to the calendar as of 1992.